

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF Southern Indiana
Minute Entry/Order

Hearing Information:

Debtor: EASTERN LIVESTOCK CO., LLC
Case Number: 10-93904-BHL-11 **Chapter:** 11
Date / Time / Room: MONDAY, DECEMBER 17, 2012 10:00 AM NA 103
Bankruptcy Judge: BASIL H. LORCH
Courtroom Clerk: KRISTIN GOSS
Reporter / ECR: AMY MASSEY

Matters:

- 1) Hearing Re: Third Interim Application of Faegre Baker Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee [1558]
R / M #: 0 / 0
- 2) Hearing Re: Amended Third Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for Hoover Hull LLP as Special Counsel (Fee: \$437,214.50, Expense: \$39,043.16) filed by Attorney Sean T. White, Special Counsel Hoover Hull LLP [1555] with an Objection to Professional Fees and Reservation of Rights filed by Laura Day 10DelCotto on behalf of Creditors Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock Company, Inc., Southeast Livestock Exchange, LLC [1613] and a Joinder Objection filed by Walter Scott Newbern III on behalf of Creditors Alabama Livestock Auction, Inc., Athens Stockyard, LLC, Billingsley Auction Sale, Inc., CPC Livestock, LLC, Carroll County Livestock Sales Barn, Inc., E4 Cattle Co., LLC, Edward J. Edens, IV, Macon Stockyards, Inc., Robert Rawls d/b/a Robert Rawls Livestock, Sealy And Sons Livestock, LLP, Edward Strickland [1620]
R / M #: 0 / 0
- 3) Hearing Re: Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for Development Specialists, Inc. as Consultant (Fee: \$935,821.25, Expense: \$40,787.03) filed by Trustee James A. Knauer, Consultant Development Specialists, Inc [1551] with an Objection to Professional Fees and Reservation of Rights filed by Laura Day 10DelCotto on behalf of Creditors Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock Company, Inc., Southeast Livestock Exchange, LLC [1616] and a Joinder Objection filed by Walter Scott Newbern III on behalf of Creditors Alabama Livestock Auction, Inc., Athens Stockyard, LLC, Billingsley Auction Sale, Inc., CPC Livestock, LLC, Carroll County Livestock Sales Barn, Inc., E4 Cattle Co., LLC, Edward J. Edens, IV, Macon Stockyards, Inc., Robert Rawls d/b/a Robert Rawls Livestock, Sealy And Sons Livestock, LLP, Edward Strickland [1623]
R / M #: 0 / 0
- 4) Hearing Re: Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for Jay P. Kennedy as Trustee's Attorney (Fee: \$54,092.15, Expense: \$670.61) filed by Jay P. Kennedy on behalf of Trustee James A. Knauer [1545] with an Objection to Professional Fees and Reservation of Rights filed by Laura Day 10DelCotto on behalf of Creditors Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock, Inc., Southeast Livestock Exchange, LLC [1612] and a Joinder Objection filed by Walter Scott Newbern III on behalf of Creditors Alabama Livestock Auction, Inc., Athens Stockyard, LLC, Billingsley Auction Sale, Inc., CPC Livestock, LLC, Carroll County Livestock Sales Barn, Inc., E4 Cattle Co., LLC, Edward J. Edens, IV, Macon Stockyards, Inc., Robert Rawls d/b/a Robert Rawls Livestock, Sealy And Sons Livestock, LLP, Edward Strickland [1619]
R / M #: 0 / 0

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(continue)... 10-93904-BHL-11

MONDAY, DECEMBER 17, 2012 10:00 AM

- 5) Hearing Amended Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for Terry E. Hall as Trustee's Attorney (Fee: \$2,613,153.00, Expense: \$64,997.52) filed by Terry E. Hall on behalf of Trustee James A. Knauer (re: Doc # 1558).

R / M #: 0 / 0

VACATED: Amended Application filed. See document 1562.

- 6) Continued Hearing Re: Motion to Quash or Modify Third Amended Notice of Deposition of Sean White and Subpoena Duces Tecum filed by John David Hoover on behalf of Special Counsel Hoover Hull LLP [1283]

R / M #: 0 / 0

VACATED: Per S. White - matter is moot per settlement agreement. Court to do order.

- 7) Hearing Re: Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for James A. Knauer as Trustee Chapter 9/11 (Fee: \$211,103.25, Expense: \$19,275.49) filed by James A. Knauer on behalf of Trustee James A. Knauer [1556] with an Objection to Professional Fees and Reservation of Rights filed by Laura Day 10DelCotto on behalf of Creditors Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock Company, Inc., Southeast Livestock Exchange, LLC [1615] and a Joinder Objection filed by Walter Scott Newbern III on behalf of Creditors Alabama Livestock Auction, Inc., Athens Stockyard, LLC, Billingsley Auction Sale, Inc., CPC Livestock, LLC, Carroll County Livestock Sales Barn, Inc., E4 Cattle Co., LLC, Edward J. Edens, IV, Macon Stockyards, Inc., Robert Rawls d/b/a Robert Rawls Livestock, Sealy And Sons Livestock, LLP, Edward Strickland [1622]

R / M #: 0 / 0

- 8) Objection to Professional Fees filed by Charles R. Wharton on behalf of U.S. Trustee [1617]

R / M #: 0 / 0

- 9) Hearing Re: Amended Application for Compensation and/or Reimbursement of Expenses Pursuant to Sec. 330 for Terry E. Hall as Trustee's Attorney (Fee: \$2,613,153.00, Expense: \$64,997.52) filed by Terry E. Hall on behalf of Trustee James A. Knauer [1562] with an Objection to Professional Fees and Reservation of Rights filed by Laura Day 10DelCotto on behalf of Creditors Blue Grass Maysville Stockyards, LLC, Blue Grass South Livestock Market, LLC, Blue Grass Stockyards East, LLC, Blue Grass Stockyards of Campbellsville, LLC, Blue Grass Stockyards of Richmond, LLC, Blue Grass Stockyards, LLC, Alton Darnell, East Tennessee Livestock Center, Inc., Moseley Cattle Auction, LLC, Piedmont Livestock Company, Inc., Southeast Livestock Exchange, LLC [1614] and a Joinder filed by Walter Scott Newbern III on behalf of Creditors Alabama Livestock Auction, Inc., Athens Stockyard, LLC, Billingsley Auction Sale, Inc., CPC Livestock, LLC, Carroll County Livestock Sales Barn, Inc., E4 Cattle Co., LLC, Edward J. Edens, IV, Macon Stockyards, Inc., Robert Rawls d/b/a Robert Rawls Livestock, Sealy And Sons Livestock, LLP, Edward Strickland [1621]

R / M #: 0 / 0

- 10) Objection to Professional Fees filed by Charles R. Wharton on behalf of U.S. Trustee [1618]

R / M #: 0 / 0

- 11) Hearing Re: Motion To Approve Additional Immaterial Modification To Trustee's First Amended Chapter 11 Plan Of Liquidation On Shortened And Limited Notice filed by Terry E. Hall on behalf of Trustee James A. Knauer [1607]

R / M #: 0 / 0

Appearances:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF Southern Indiana
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(continue)... 10-93904-BHL-11

MONDAY, DECEMBER 17, 2012 10:00 AM

In Court Appearances:

JAY P. KENNEDY, ATTORNEY FOR JAMES A. KNAUER
JAMES A. KNAUER, ATTORNEY FOR JAMES A. KNAUER
TERRY E. HALL, ATTORNEY FOR JAMES A. KNAUER
KEVIN M. TONER, ATTORNEY FOR JAMES A. KNAUER
RANDALL D. LATOUR, ATTORNEY FOR FIFTH THIRD BANK
JOHN W AMES, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, PHILLIP TAYLOR REED, RON P. REED
IVANA B. SHALLCROSS, ATTORNEY FOR JOPLIN REGIONAL STOCKYARDS, PHILLIP TAYLOR REED, RON P. REED
JOHN HUNT LOVELL, ATTORNEY FOR CACTUS GROWERS, INC.

Telephonic Appearance:

CHARLES R. WHARTON, ATTORNEY FOR U.S. TRUSTEE
SEAN T. WHITE, ATTORNEY FOR JAMES A. KNAUER
SHIV GHUMAN O'NEILL, ATTORNEY FOR JAMES A. KNAUER
LAURA DAY 10DELICOTTO, ATTORNEY FOR ALTON DARNELL, ALTON DARNELL DBA DARNELL ALTON BARN, BLUE GRASS MAYSVILLE STOCKYARDS, LLC, BLUE GRASS SOUTH LIVESTOCK MARKET, LLC, BLUE GRASS STOCKYARDS EAST, LLC, BLUE GRASS STOCKYARDS OF CAMPBELLSVILLE,, BLUE GRASS STOCKYARDS OF RICHMOND, LLC, BLUE GRASS STOCKYARDS, LLC, EAST TENNESSEE LIVESTOCK CENTER, INC., FIRST BANK AND TRUST COMPANY, THE, MOSELEY CATTLE AUCTION, LLC, PIEDMONT LIVESTOCK COMPANY, INC., PIEDMONT LIVESTOCK, INC., SOUTHEAST LIVESTOCK EXCHANGE, LLC
JOHN FREDERICK MASSOUH, ATTORNEY FOR FRIONA INDUSTRIES, LP
DAVID L. LEBAS, ATTORNEY FOR J&F OKLAHOMA HOLDINGS, INC.
JAMES BRYAN JOHNSTON, ATTORNEY FOR BILL DAVIS, BOBBY BYNUM, BYNUM RANCH CO., DAVIS QUARTER HORSE, EDDIE EICKE, FRANK POWELL, JOHNNY MAYO, TOM SVOBODA
WALTER SCOTT NEWBERN, ATTORNEY FOR ALABAMA LIVESTOCK AUCTION, INC., ARCADIA STOCKYARD, ATHENS STOCKYARD, LLC, BILLINGSLEY AUCTION SALE, INC., CPC LIVESTOCK, LLC, CARROLL COUNTY LIVESTOCK SALES BARN, INC, CATTLEMEN'S LIVESTOCK MARKET, INC., COLUMBIA LIVESTOCK MARKET, INC., DANIEL M. BYRD, E4 CATTLE CO., LLC, EAGLE BAY, INC., EDWARD J. EDENS, IV, EDWARD STRICKLAND, FIRST BANK AND TRUST COMPANY, THE, FLORIDA ASSOCIATION LIVESTOCK MARKETS, GLEN FRANKLIN, GLEN FRANKLIN CATTLE COMPANY, INC., HARDEE LIVESTOCK MARKET, INC., MACON STOCKYARDS, INC., MADISON COUNTY LIVESTOCK MARKET, INC. D/, NORTH FLORIDA LIVESTOCK MARKET, INC., OAK LAKE CATTLE CO., OCALA LIVESTOCK MARKET, INC., OKEECHOBEE LIVESTOCK MARKET, INC., ROBERT RAWLS D/B/A ROBERT RAWLS LIVESTOCK, RON SIZEMORE TRUCKING, INC., SEALY AND SONS LIVESTOCK, LLP, SUMTER COUNTY FARMERS MARKET, INC.
DAVID A. LAIRD, ATTORNEY FOR PEOPLES BANK OF COLDWATER KANSAS
AMELIA MARTIN ADAMS, ATTORNEY FOR ALTON DARNELL DBA DARNELL ALTON BARN, BLUE GRASS MAYSVILLE STOCKYARDS, LLC, BLUE GRASS SOUTH LIVESTOCK MARKET, LLC, BLUE GRASS STOCKYARDS EAST, LLC, BLUE GRASS STOCKYARDS OF CAMPBELLSVILLE,, BLUE GRASS STOCKYARDS OF RICHMOND, LLC, BLUE GRASS STOCKYARDS, LLC, EAST TENNESSEE LIVESTOCK CENTER, INC., PIEDMONT LIVESTOCK, INC., SOUTHEAST LIVESTOCK EXCHANGE, LLC
PATRICK O'MALLEY - DSI
ERIC REDMAN - ATTORNEY FOR BANK FIRST/ED STRICKLAND
JACK DAWSON - ATTORNEY FOR NICHOLS'

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(continue)... 10-93904-BHL-11

MONDAY, DECEMBER 17, 2012 10:00 AM

Proceedings:

*Disposition: Hearing held.

(1) Court determines the fees regarding the appeal will be not borne as part of the estate. Application Granted. Order to be submitted which includes the offset.

(2) Application Granted. Order to be entered.

(3) Application Granted. Order to be entered.

(4) Application Granted. Order to be entered.

(5) VACATED: Amended Application filed. See document 1562.

(6) VACATED: Per S. White - matter is moot per settlement agreement. Court to do order.

(7) Application Granted. Order to be entered.

(8) Objection Sustained.

(9) Court determines the fees regarding the appeal will be not borne as part of the estate. Application Granted. Order to be submitted which includes the offset.

(10) Objection Sustained.

(11) Motion Granted. Confirmation order to be submitted which will include the immaterial modification.

Note: Future omnibus hearing dates: 2/6/13 @ 10:00 a.m. (Eastern) and 3/13/13 @ 10:00 a.m. (Eastern) in Room 103, 121 W. Spring St., New Albany, IN.

IF COUNSEL HAS BEEN DIRECTED BY THE COURT TO SUBMIT AN ORDER BASED ON THE COURT'S RULING OR THE PARTIES' AGREEMENT, THEN NO FURTHER NOTICE OR REMINDER WILL BE ISSUED. THE COURT WILL NOT KEEP A CASE OPEN SOLELY BECAUSE THE ORDER WAS NOT SUBMITTED WITHIN THE TIME PERIOD DIRECTED BY THE COURT. IN SUCH INSTANCE, A REOPENING FEE WILL APPLY.